IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.5257/07
Noor Mohammed Vs. State of Raj.

3.10.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri B.K. Sharma, PP for State

This writ petition has been registered on the basis of letter addressed by the petitioner to one of the Judges of this Court.

In the letter, the petitioner has prayed that even though he has served the substantial part of sentence i.e. more than 5 years and 2 months in jail out of the total sentence of 7 years and if the period of remission is added thereto, this exceeds even 5 years and 2 months, but so far he has not been released on

first parole as per Rajasthan Prisoners (Release on Parole) Rules, 1958.

The respondents in their reply have come up with the plea that since there was an adverse report from the Superintendent of Police, Ajmer, the petitioner cannot be released on parole. From the reply however it does not appear whether there is any adversity against the petitioner which dis-entitles him to grant of regular parole. The letter dated 15.1.2007 by which the Superintendent of Police, Ajmer has recommended not to release the petitioner on parole appears to be too general in nature, which suggests that release of the petitioner on parole would create a bad effect on the society and all the persons who are suffered at his ends and that the case of

the petitioner does not fall within the ambit of Case Officers Scheme. It is settled proposition of law that though the police report should be taken into consideration by the District Parole Advisory Committee but that by itself cannot form the basis for consideration for grant or refusal of the parole.

In the circumstances, the matter is remitted back to the District Parole Advisory committee to obtain a fresh report from Superintendent of Police, Ajmer and re-consider the request of the petitioner for release on parole.

With these observations, the writ petition is disposed of.

(Mohammad Rafiq),J.

Rs/-